



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

Mr. Dean J. Johnson
Police Legal Adviser
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR95-814

Dear Mr. Johnson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34901.

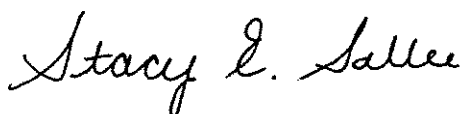
The Baytown Police Department (the "department") received a request for a "record check" and all documents pertaining to "arrest for assault-threat domestic violence, any kind [and] any and all traffic violations last two years" for Harry Alvin Brewer, Jr. You assume from the request that the requestor is seeking criminal history record information ("CHRI"). You claim that the CHRI is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.108(b) excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution" This section excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 531 (1989) at 2 (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). In *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 188 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the court held that the arrest history of an individual is excepted from required public disclosure under section 552.108(b). The court noted that release of an arrest history would constitute an unwarranted invasion of an arrestee's privacy interests. 531 S.W.2d at 188. We have reviewed the information submitted to this office for review and conclude that the department must withhold this information under section 552.108 of the Government Code.

We note that the requestor also seeks information about various offenses that Harry Alvin Brewer, Jr. may have committed during a specific time period. Driving record information is not part of the CHRI and must be disclosed. *See, e.g., Gov't Code § 411.082(2)(B).* However, the remainder of the requested information is excepted from disclosure, as releasing the individual offense reports would, in essence, be the equivalent of providing the requestor with CHRI. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989) (where CHRI compiled or summarized by governmental entity, CHRI takes on character that implicates individual's right of privacy that same individual records in uncompiled state do not).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/rho

Ref.: ID# 34901

Enclosures: Submitted documents

cc: Mr. Eugene Hofmann
4116 Dockrell
Dickinson, Texas 77539
(w/o enclosures)